

REMARKS

The Applicants respectfully request reconsideration and allowance of claims 1-18 and 20-24 in view of the above amendments and the following arguments.

I. THE AMENDMENTS

Claims 1, 9, and 18 are amended herein to correct certain deficiencies as described by the Final Office Action. The amendments are of a clarifying nature only and no new matter has been added.

II. THE CLAIMS AS AMENDED ARE NOT ANTICIPATED BY THE CITED ART

The Final Office Action rejected claims 1-7, 18, 20-22, and 24 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0003980 A1 to Moody ("Moody" or the "Moody reference"). The Applicants respectfully submit that the claims as amended herein are not anticipated by Moody.

Applicants have considered the Examiner's Response to Arguments beginning on page 8 of the Final Office Action, and found them very helpful in resolving issues in this case. Applicants thank the Examiner for his careful attention to our previous Office Action response, and his explanation of claim interpretation. As suggested at page 9 of the Final Office Action, the Applicants have amended the independent claims to refer to the request coming from the player, and being submitted in "direct response" to a player input.

1 Next, as suggested at page 8 of the Final Office Action, the Applicants have amended the
2 independent claims to specify that the game play result is obtained for a base game play round.
3 This amendment is made in response to the Final Office Actions interpretation of the game play
4 result as a bonus round game. Applicants have previously argued that the claim limitation
5 requiring this result to be “in response” to the game play request would sufficiently specify this
6 limitation. However, the Final Office Action points out essentially that this could be interpreted
7 as an indirect response, and thereby cover the bonus game result. While the Applicants believe
8 that a proper claim construction of the pre-amended claim would exclude such an indirect
9 response, Applicants recognize that Patent Examiners are not required to perform claim
10 construction according to laws of the court, but instead may use the broadest possible
11 interpretation consistent with the specification.

12 As such, Applicants submit this clarifying amendment and request reconsideration of the
13 currently amended claims in light of the arguments made in Applicants’ previous Office Action
14 response (basically—that the amount to be awarded to the player for the secondary event game is
15 not specified by the game play result obtained for the game play request in the primary game).
16 Again, the Applicants thank the Examiner for communicating not only that he correctly
17 understood our arguments, but highlighting what he considers to be the continuing deficiency of
18 the claims.

1 The same comments apply to the other independent claims in the case, claims 9 and 18,
2 which are amended with limitations similar to those in added to claim 1. Therefore Moody also
3 does not anticipate claims 9 and 18 and their respective dependent claims.
4

5 III. THE CLAIMS AS AMENDED ARE NOT OBVIOUS IN VIEW OF THE CITED ART

6 The Final Office Action rejected claims 8-17 and 23 under U.S.C. §103(a) as being
7 unpatentable over Moody in view of purported admitted prior art. The Applicants respectfully
8 submit that the claims as amended are not obvious on the ground that the cited prior art and
9 proposed modifications to the cited prior art do not make up for the deficiency of the Moody
10 reference as to the amended independent claims as discussed above in section II.

11 For all of these reasons the Applicants submit that claims 8-17 and 23 are not obvious in
12 view of the cited prior art and are entitled to allowance, as is claim 24.
13

14 IV. CONCLUSION

15 For all of the above reasons the Applicants respectfully request reconsideration and
16 allowance of claims 1-18 and 20-24.

1 If any issue remains as to the allowability of these claims, or if a conference might
2 expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney
3 prior to issuing a further action in this case.

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5 Respectfully submitted,

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7 The Culbertson Group, P.C.

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